

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Tri State Transportation Mgmt. Corp.,
Plaintiff(s),

-against-

Valley Forge Insurance Co.,
Defendant(s).

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**REPORT AND
RECOMMENDATION**
CV 10-3330 (LDW) (WDW)

WILLIAM D. WALL, United States Magistrate Judge:

By order dated May 23, 2011, I allowed the withdrawal of the plaintiff's attorney and gave the corporate plaintiff until June 22, 2011 to obtain new counsel, warning that, as a corporation, it could not appear pro se and that a recommendation of dismissal would be made if counsel did not appear. DE[23]. A copy of that order was served on the plaintiff by outgoing counsel. DE[24]. No appearance by counsel has been filed, and I now recommend that the complaint be dismissed pursuant to Rule 41 for failure to prosecute and based also on the information about the lack of merit set forth in former counsel's prior motion. See DE[21].

OBJECTIONS

A copy of this Report and Recommendation is being sent to the plaintiff c/o Boris Kurbatsky at Tri State Transportation Mgmt. Corp./3072 Brighton Avenue/Brooklyn NY 11235 and to defense counsel by electronic filing on the date below. Any objections to this Report and Recommendation must be filed with the Clerk of the Court within 14 days. See 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; Fed. R. Civ. P. 6(a) and 6(d). Failure to file objections within this period waives the right to appeal the District Court's Order. See *Ferrer v. Woliver*, 2008 WL 4951035, at *2 (2d Cir. Nov. 20, 2008); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York
June 27, 2011

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge